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November 12, 2007

Honorable Richard J. Holwell
United States District Court Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street – Courtroom 17B
New York, New York 10007

Re: Beljakovic v. Melohn Properties, Inc. (alleged age discrimination)
U.S. District Court # 04 CV 3694 (RJH) (GWG)
K&B File No. 6105-0383

Judge Holwell: _____

This letter concerns ¶'s 3, 4 and 5 of the Amended Trial Order dated September 26, 2007 (the "9-26-07 Order") which calls for two courtesy copies of the following being delivered to Chambers:

1. Designated deposition testimony (¶ 4 of 9-26-07 Order).

2. Jointly proposed jury voir dire questions, and disputed questions proposed by one party or the other (¶ 5 of 9-26-07 Order).

3. Jointly proposed jury instructions, and disputed instructions proposed by one party or the other; jury instructions also submitted in electronic form (¶ 5 of 9-26-07 Order).

4. Motions *in limine* and objections to exhibits (¶ 3 of 9-26-07 Order).

Courtesy copies are enclosed. However, regarding item no. 1, there are no such papers as no depositions were conducted. Regarding items no. 2 and 3, the papers include joint statements, and plaintiff's written contributions are annexed as exhibits – the requested electronic copy is included. Regarding item no. 4, defendant MPI has papers, which are being delivered to Chambers; however, K&B has not been apprised that plaintiff has any such papers.


Parenthetically, and as a procedural housekeeping matter, we respectfully note the following for the Court's information. The 9-26-07 Order initially designated November 12, 2007, as the date for filing these papers with Chambers, further designating November 19, 2007, as the date for filing any answering papers. Because November 12, 2007, unanticipatedly turned out to be a federal and state holiday (Veterans' Day) on which both this Court and New York State courts are closed, I

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personally called the Chambers of District Judge Holwell early in the morning of November 12 in the hope of locating someone who might be present so as to obtain his or her guidance as to whether the Court would be in session to receive the filing of the within motion. I was informed by Law Clerk Christopher Deal, Esq., that, due to the holiday and the Court's official closing on that day, the papers, including the motion *in limine*, were to be filed the following day, November 13, 2007, when the Court would be in session. Such advice was reiterated and confirmed by Mr. Deal after I apprised him that the trial in this action is scheduled for January 2008. After asking me the nature of the papers, receiving my response and then reviewing Chamber's computer records for this matter and the Court's description of the pre-trial papers discussed in ¶'s 3, 4 and 5 of the Order, Mr. Deal informed me that, rather than delivering these particular papers to Chambers on November 13 (which would require special arrangements beyond the usual court procedures requiring delivery to the U.S. Marshal for security screening), I should follow the usual protocol by delivering these papers to Chambers by delivering them to the U.S. Marshal (on the Worth Street side of the courthouse).

Accordingly, this office effectuated the November 13th filing, but, absent express permission from the Court, retained November 19, 2007, as the noticed date for the filing of answering papers out of deference to the 9-26-07 Order. In view of the November 13th filing of this motion, we express no objection to the extension of plaintiff's answering date, by one day (to November 20, 2007), in fairness to the plaintiff, should it please the Court.

Please let us know if you have any questions.

Respectfully,

William D. Hummell

cc: FEDERAL EXPRESS (with copy of above-referenced items no. 2, 3 and 4)

Miodrag Beljakovic
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